

Remarks

Claims 1-9, 14, 15, 17 and 18 are currently pending. Claims 1-3, 8-9, 14, 15 and 17 have been canceled. Minor grammatical amendments have been made to Claims 4-7. In addition, Claim 15 has been amended to more particularly claim the invention. Applicants assert that this amendment presents no issue of new matter; basis for this amendment may be found at least on page 11, line 2. New claims 19 and 20 have been added. Applicants assert that there is no issue of new matter, as there is basis at least on page 4, lines 11-14 for these claims. Claims 21 and 22 have also been added. Applicants assert that there is basis for Claims 21 and 22 at least on page 7, beginning at line 11 (Scheme 2), on page 9, beginning at line 10 (Scheme 5), and on page 6, lines 13-19. As such, applicants assert there are no issues of new matter regarding the presentation of these claims.

Amendments to the specification have been made. Page 5, lines 28 and 29 have been amended to refer to synthesis of a compound of formula IV by reacting a compound of formula (III) with an aryl thiol or hydroxyl aryl compound. Applicants assert this error would have been obvious to a person of ordinary skill in the art in view of the method of preparation described on pages 5-6 of the specification. In addition, the structures of compounds 50, 51, and 52 in the Preparations on pages 29 and 30 have been corrected. It would have been obvious to the skilled person that there were errors in these Preparations in view of the lack of conformity of the structures and compound names. Further, it is obvious to the skilled artisan reading the application as a whole, particularly with reference to Scheme 6 and page 10, that the compound names are correct and the structures are incorrect. The name of compound 11 on page 33, line 11 has been corrected. It would have been obvious to the skilled person that there was an error in Example 2 on page 33 in view of the lack of conformity of the compound name and structure. Additionally, upon reading all of Example 2 it would have been obvious to the skilled artisan that the structure is correct and the compound name is incorrect. Also, a typographical errors in Scheme 5 on page 9, and on page 52, line 12 have been corrected. Applicants assert that the correction of the aforementioned obvious errors does not present an issue new matter. Amendments to correct obvious errors do not constitute new matter where the skilled artisan would not only recognize the existence of error in the specification, but also the appropriate correction. *In re Odd*, 443 F.2d 1200, 170 USPQ 268 (CCPA 1971); *see also* M.P.E.P. § 2163.07. Therefore, entry of the amendment correcting of the structures so as to correspond to the compound names is hereby requested.

Election/Restrictions

The Examiner has asserted that the present application contains multiple inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The Examiner submitted the following groups of inventions in the Office Action dated August 31, 2007:

Group I: Claims 1-9, 14, 15, 17 and 18 drawn to products, processes and methods wherein A is O.

Group II: Claims 1-9, 14, 15, 17 and 18 drawn to products, processes and methods wherein A is S.

Applicants affirm the provisional election made to prosecute the invention of Group II, and preserve the right to file a divisional on the non-elected subject matter per 35 U.S.C. § 121.

Claim Objections

Claims 3-7 were objected to as being dependent upon a rejected base claim. Applicants respectfully note that Claim 3 is an independent claim. Moreover, applicants assert that in view of the amendments above, Claims 4-7 are appropriately allowed.

Claims 1, 8, 9, 14, 15, 17 and 18 were objected to as containing non-elected subject matter. Applicants have amended these claims to include only compounds wherein A is S, and respectfully request allowance in view of these amendments.

Claim Rejections – 35 U.S.C § 112

The examiner has rejected Claims 14, 15, and 17 under 35 U.S.C. 112, first paragraph. These claims have been canceled for the purposes of advancing prosecution. Applicants reserve the right to present these claims in a continuing application.

Claim Rejections – 35 U.S.C § 103

The Examiner has rejected Claims 1, 2, 8, 9, 14, 15 and 18 as obvious under 35 U.S.C 103(a) in view GB 1,412,546, in view of compounds of GB 1,412,546 which have a hydrogen at the position “equivalent to applicants’ **X which can be C1-4 alkyl.**” Official Action dated August 31, 2007, page 13 (emphasis added). However, applicants respectfully note that the claims of the instant application, as currently amended, are drawn to those compounds wherein **X is optionally substituted phenyl**. Thus applicants assert that the restriction to the claims obviates this rejection and respectfully request allowance Claims 1, 2, 8, 9, 14, 15 and 18.

Priority

Applicants respectfully request acknowledgment of foreign priority and receipt of the foreign priority documents. This is the national phase application, under 35 U.S.C 371, for

PCT/US2003/023269, filed 18 August 2003, which claims the benefit, under 35 U.S.C 119(a) of GB 0219690.5 filed 23 August 2002, and the benefit, under 35 U.S.C 119(e), of US provisional application 60/415,328, filed 01 October 2002. Applicants assert that they have complied with the provisions of 35 U.S.C 371 and 35 U.S.C 119, See File History, and are thus entitled to claim the benefit of priority of the above-referenced applications.

Applicants respectfully request entry of the amendments described above and reconsideration and allowance of the pending claims in view of the above arguments. Finally applicants request acknowledgment of foreign priority. The Examiner is invited to contact the undersigned attorney should any questions arise as a result of the submission provided herein, or in the event any questions arise at any point during examination.

Respectfully submitted,

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